

EXHIBIT B

Long, Betsy

From: Long, Betsy
Sent: Wednesday, December 6, 2023 11:05 AM
To: zzz.External.alittmann@goldmanismail.com; Allor, Katherine; Charter-Entropic 22cv125; Reisner, Daniel; zzz.External.ddacus@dacusfirm.com
Cc: EntropicKLG; GITBB-Entropic; zzz.External.andrea@wsfirm.com; bridgesip@icloud.com
Subject: RE: Entropic v. Charter (Case 22-cv-00125) - Final Witness Lists

Alan,

This is the first time during our communications on this that you have taken the position that the Court unconditionally ordered Charter to make one or more witnesses available for deposition. We are available any time today to discuss. Please give us your availability.

We will also be prepared to discuss Entropic's motion to dismiss the '690, '362, and '826 patents.

Best,
Betsy

Betsy Long
Counsel | [Bio](#)

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From: Alan Littmann <alittmann@goldmanismail.com>
Sent: Wednesday, December 6, 2023 9:50 AM
To: Long, Betsy <Elizabeth.Long@arnoldporter.com>; Allor, Katherine <Katy.Allor@klgates.com>; Charter-Entropic 22cv125 <Charter-Entropic22cv125@arnoldporter.com>; Reisner, Daniel <Daniel.Reisner@arnoldporter.com>; zzz.External.ddacus@dacusfirm.com <ddacus@dacusfirm.com>
Cc: EntropicKLG <EntropicKLG@klgates.com>; GITBB-Entropic <GITBB-Entropic@goldmanismail.com>; zzz.External.andrea@wsfirm.com <andrea@wsfirm.com>; bridgesip@icloud.com
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Betsy,

The Court's order states: "Further, the Court **ORDERS** that Charter make Mr. Stafford available for a deposition and a corporate designee available for a deposition. Both depositions shall be limited to one hour each and may take place by videoconference. Mr. Stafford's deposition shall be limited to the topic of his conversation with Dr. Almeroth that Dr. Almeroth referenced in his supplemental report. The corporate designee shall be prepared to discuss the screenshots relied upon by Dr. Almeroth in his supplemental report. Both such depositions shall take place within seven (7) days of this Order." (Dkt. 358)

Seven days is today. Yet, Charter has refused to even discuss the deponents' availability. And, while Charter claims the Order is moot, that Order was not conditioned on any further actions that either party may take. Nor has Charter presented any sufficient explanation for why the depositions are no longer needed. We asked you on Sunday for clarification regarding Charter's position. You responded on Tuesday afternoon and disagreed with Entropic's understanding of Charter's proposal. We therefore asked you to meet and confer on this issue, but Charter failed to respond to that invitation.

The responses you have provided clearly indicate that Charter intends to violate, and circumvent, the Order by presenting the relevant information to the jury without giving Entropic the chance to test it by deposition as ordered. Your email yesterday confirms this by asserting that "Charter reserves the right to have any witness discuss the substance of those paragraphs including experts to the extent otherwise disclosed in their reports. Charter will not agree to not present any evidence, by any means or witness, regarding the substance of those paragraphs nor withdraw DTX-024."

Apparently, Charter's position is that this evidence is still fair game for fact and expert testimony. That position is untenable without providing Entropic an opportunity to conduct the discovery that the Court ordered. It is also unreasonable for Charter to claim that that Dr. Almeroth, or other experts, could somehow pretend they did not hear something that was said and therefore avoid "relying" on it at trial. As the Court stated regarding the screenshots, "[i]t would be prejudicial to present this information to the jury without providing Entropic an opportunity to test it."

We expect Charter will be moving for a protective order and will respond accordingly.

Sincerely,
Alan

Alan Littmann
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From: Long, Betsy <Elizabeth.Long@arnoldporter.com>

Sent: Tuesday, December 5, 2023 6:24 PM

To: Alan Littmann <alittmann@goldmanismail.com>; Allor, Katherine <Katy.Allor@klgates.com>; Charter-Entropic 22cv125 <Charter-Entropic22cv125@arnoldporter.com>; Reisner, Daniel <Daniel.Reisner@arnoldporter.com>; ddacus@dacusfirm.com

Cc: EntropicKLG <EntropicKLG@klgates.com>; GITBB-Entropic <GITBB-Entropic@goldmanismail.com>; andrea@wsfirm.com; bridgesip@icloud.com

Subject: RE: Entropic v. Charter (Case 22-cv-00125) - Final Witness Lists

Alan,

The Court found that paragraphs 11 and 20 "should be allowed in, provided that Charter provides a corporate designee to be deposed on the screenshots, and makes available Mr. Stafford to be deposed on his conversation with Dr.

Almeroth. It would be prejudicial to present this information to the jury without providing Entropic an opportunity to test it.” (Dkt. 358 at 14.) However, as Dr. Almeroth will not rely on paragraphs 11 and 20 as the basis for his opinions, and Charter will not present this information to the jury, the deposition issue is moot.

Best,
Betsy

Betsy Long
Counsel | [Bio](#)

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From: Alan Littmann <alittmann@goldmanismail.com>

Sent: Tuesday, December 5, 2023 6:56 PM

To: Long, Betsy <Elizabeth.Long@arnoldporter.com>; Allor, Katherine <Katy.Allor@klgates.com>; Charter-Entropic 22cv125 <Charter-Entropic22cv125@arnoldporter.com>; Reisner, Daniel <Daniel.Reisner@arnoldporter.com>; zzz.External.ddacus@dacusfirm.com <ddacus@dacusfirm.com>

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Betsy,

We will respond to the other issues raised below separately, but please let us know by 7pm tonight when tomorrow Mr. Stafford and Charter’s corporate representative will be available for deposition. We need to arrange a court reporter and believe the parties are obligated to comply with the Court’s order.

Sincerely,
Alan

Alan Littmann

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From: Long, Betsy <Elizabeth.Long@arnoldporter.com>

Sent: Tuesday, December 5, 2023 4:57 PM

To: Allor, Katherine <Katy.Allor@klgates.com>; Charter-Entropic 22cv125 <Charter-Entropic22cv125@arnoldporter.com>; Reisner, Daniel <Daniel.Reisner@arnoldporter.com>; ddacus@dacusfirm.com

Cc: EntropicKLG <EntropicKLG@klgates.com>; GITBB-Entropic <GITBB-Entropic@goldmanismail.com>; andrea@wsfirm.com

Subject: RE: Entropic v. Charter (Case 22-cv-00125) - Final Witness Lists

Katy,

Charter will not call Dr. Goldberg to present testimony about the invalidity of any of the remaining asserted claims. However, we may still call Dr. Goldberg to testify about matters in his report regarding state of the art, as these are relevant at least to damages. Given that Entropic's decision to drop the '362 and '690 patents from the case was made last Friday, and its decision to drop the '826 patent was made just this morning, we have not yet determined whether Dr. Goldberg is a Will Call or May Call witness. We will inform you as soon as we make our decision whether he will be called at trial.

Charter will be bringing live Messrs. Berger, Moseley, Petersen and Stafford. Charter may also call Mr. Cary. Likewise, in order for Charter to prepare its deposition designations, please let us know which witnesses Entropic will be calling live and also provide your deposition designations for day 1 by 10AM CT tomorrow.

As the portions of Dr. Almeroth's and Mr. Taylor's reports regarding licensing were not struck, Charter will not be withdrawing those exhibits (DTX-001; DTX-002; DTX-016; DTX-017; DTX-027; DTX-028).

Regarding Alan's Sunday email, Dr. Almeroth will not rely on paragraphs 11 and 20 as the basis for his opinions. However, Charter reserves the right to have any witness discuss the substance of those paragraphs including experts to the extent otherwise disclosed in their reports. Charter will not agree to not present any evidence, by any means or witness, regarding the substance of those paragraphs nor withdraw DTX-024.

Best,
Betsy

Betsy Long
Counsel | [Bio](#)

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From: Allor, Katherine <Katy.Allor@klgates.com>

Sent: Tuesday, December 5, 2023 11:31 AM

To: Long, Betsy <Elizabeth.Long@arnoldporter.com>; Charter-Entropic 22cv125 <Charter-Entropic22cv125@arnoldporter.com>; Reisner, Daniel <Daniel.Reisner@arnoldporter.com>; zzz.External.ddacus@dacusfirm.com <ddacus@dacusfirm.com>

Cc: EntropicKLG <EntropicKLG@klgates.com>; GITBB-Entropic <GITBB-Entropic@goldmanismail.com>; zzz.External.andrea@wsfirm.com <andrea@wsfirm.com>

Subject: RE: Entropic v. Charter (Case 22-cv-00125) - Final Witness Lists

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Betsy,

Based on your email last night dropping Charter's invalidity case, please confirm you are not calling Dr. Goldberg at trial. We would like to inform Judge Payne so that he is not wasting his resources on the pending motion to strike.

There are also a few outstanding issues on which we are awaiting Charter's response:

First, per my email yesterday please confirm that Mr. Taylor and Mr. Cary will not be testifying based on Judge Payne's ruling on the DOCSIS defense and NIAs.

Second, please confirm that the DOCSIS exhibits (DTX-001; DTX-002; DTX-027; DTX-028; DTX-016; DTX-017) and Master Purchase Agreements (DTX-016; DTX-017) are also out.

Third, we also have not received a response to our email below regarding Charter's Will Call witnesses and Corporate Rep.

Fourth, we have not received a response to Alan's Sunday evening email to Dan regarding the depositions of Mr. Stafford and a corporate representative. The court ordered those depositions to be completed by December 6.

Given the number of outstanding issues between the parties, please provide a time this afternoon to meet and confer. We are available from 1-2pm CT.

Regards,
Katy Allor

From: Allor, Katherine <Katy.Allor@klgates.com>

Sent: Monday, December 4, 2023 10:20 AM

To: Long, Betsy <Elizabeth.Long@arnoldporter.com>; Charter-Entropic 22cv125 <Charter-Entropic22cv125@arnoldporter.com>; Reisner, Daniel <Daniel.Reisner@arnoldporter.com>; Dacus, Deron (EXTERNAL) <ddacus@dacusfirm.com>

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Subject: RE: Entropic v. Charter (Case 22-cv-00125) - Final Witness Lists

Betsy,

We are working on finalizing our day 1 deposition designations so that we can confer prior to Friday's hearing on outstanding objections. Given Judge Gilstrap's practice of not allowing deposition clips to be played of a witness that will be called live, please confirm that Charter will bring Messrs. Berger, Moseley, Petersen and Stafford to testify live at trial. If there are any may-call witness Charter intends to bring, including anyone who will be Charter's corporate representative, please also let us know so that we don't play those depositions either. We intend on playing deposition clips from these witnesses so, again, if Charter intends on calling them live, we would like to know by Wednesday morning so that we can meet and confer with Charter about the deposition designations on Wednesday and be prepared to raise any issues with Judge Payne on Friday.

In addition, please confirm today (a) that Judson Cary and David Taylor will not be testifying because Judge Payne granted our motion for summary judgment on Charter's DOCSIS defense, and (b) that Charter will not will not be presenting testimony from Dr. Almeroth on MXL chips and Charter's DOCSIS defense since Judge Payne granted our motions on those issues.

Kind regards,
Katy

K&L GATES

Katy Allor

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From: Long, Betsy <Elizabeth.Long@arnoldporter.com>

Sent: Tuesday, November 28, 2023 6:19 PM

To: Allor, Katherine <Katy.Allor@klgates.com>; Charter-Entropic 22cv125 <Charter-Entropic22cv125@arnoldporter.com>; Reisner, Daniel <Daniel.Reisner@arnoldporter.com>; Dacus, Deron (EXTERNAL) <ddacus@dacusfirm.com>

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Subject: RE: Entropic v. Charter (Case 22-cv-00125) - Final Witness Lists

Katy,

Charter's final witness list is attached.

Best,
Betsy

Betsy Long
Counsel | [Bio](#)

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From: Allor, Katherine <Katy.Allor@klgates.com>

Sent: Tuesday, November 28, 2023 12:48 PM

To: Charter-Entropic 22cv125 <Charter-Entropic22cv125@arnoldporter.com>; Reisner, Daniel <Daniel.Reisner@arnoldporter.com>; Long, Betsy <Elizabeth.Long@arnoldporter.com>; zzz.External.ddacus@dacusfirm.com <ddacus@dacusfirm.com>

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Subject: Entropic v. Charter (Case 22-cv-00125) - Final Witness Lists

External E-mail

Betsy,

In the Joint Pretrial Order, the parties agreed to exchange two weeks before jury selection a list of the witnesses the parties then believe in good faith they will actually call live. Entropic's final witness list is attached. Please provide Charter's final witness list today.

Kind regards,
Katy



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